



Maricopa County

Information Technology

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Wireless Systems

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August 20, 2003

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: Docket 02-55

Dear Ms. Dortch:

I am writing to express Maricopa County Wireless Systems' strong opposition to the "Consensus Plan" filed by Nextel in the above referenced proceeding regarding interference to 800 MHz public safety systems. We favor the "Balanced Approach" offered by Motorola and others. We believe that technological improvements in end-user assets will mitigate many existing interference issues. Though the the Balanced Approach places the cost to upgrade or modify equipment on the end user, we feel that the interference problem is not as widespread as Nextel and others claim, and can be mitigated in most cases either through cooperation between Nextel and public safety or by modest equipment upgrades. Either option is much less disruptive and expensive than the solution proposed in the Consensus Plan.

Maricopa County operates an 800 MHz Motorola SmartZone 3.0 system on an analog/digital, 14-site microwave network. We support the Maricopa County Sheriff's Office, four non-county police departments, and several public works agencies using a variety of digital and analog radios. In all, more than 6,000 subscribers rely on the radio coverage we provide throughout this 9,200 square-mile county, which includes the metro Phoenix area.

In the past five years we have had just a single instance of Nextel interference in one of our low-signal areas. In that case, Nextel worked closely with us to resolve the issue by adjusting transmit power and down-tilt at the interfering site. In our case and, we believe, many, many others throughout the country, the minimal interference presented by Nextel's use of "interleaved" frequencies does not warrant the time, expense, and disruption of service that the Consensus Plan would necessitate for public safety agencies.

Earlier this year, we changed all frequencies at 12 of our sites in accordance with FCC PR Docket NO. 91-143, dated October 15th, 2001 (DA 01-2222), and reprogrammed all of our 6,000 subscribers. We did this in voluntary cooperation with the cities of Phoenix and Mesa, Arizona, to minimize interference between our system and their new 800 MHz Project 25 system. Accomplishing this enormous undertaking involved extensive planning, considerable time and expense, and the

absolute cooperation and understanding of our customers. Repeating the event would be very hard to justify, and the rewards few, if any.

We do not believe that adopting Nextel's Consensus Plan will completely eliminate all interference issues in the interleaved band, as has been so widely claimed. Further, we reject the plan's underlying premise, that the party being interfered with should bear the burden of relocating. Customarily, the interfering entity is responsible for resolving all interference issues it causes.

There also seems to be significant vagueness on Nextel's part regarding its funding commitment should it not be approved/awarded the 1.9 GHz PCS spectrum promised by the FCC. (This was brought to light during the "800 MHz Super Session" at the APCO national convention in Indianapolis on August 12th of this year, which a representative of the FCC attended.) That commitment, currently set at \$850 million, may or may not adequately cover the costs of the move. The price tag is an estimate; likely, the cost to public safety agencies will be much higher.

Although APCO National has thrown its support behind the Consensus Plan, it did not present the issue to its membership for a vote. To our surprise and dismay, neither our local Arizona APCO chapter nor the Region 3 Arizona Regional Review Committee was directly involved in APCO National's decision.

We are unhappy with APCO's and the FCC's readiness to place the burden of this enormous change on the backs of already underfunded public safety agencies, to the substantial benefit of a single private cellular carrier. Given that equipment must be replaced as it ages, and that new radio equipment is less susceptible to interference, we believe that most agencies will eventually migrate to radios that are not affected by Nextel interference. Meanwhile, that interference is not significant enough to justify our supporting the Consensus Plan.

Should you need further clarification from me on any aspect of this correspondence, please do not hesitate to contact me.

Respectfully,

Charles C. Brotherton
Wireless Systems Manager